

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No.8611 of 1997

WITH

CIVIL APPLICATION No.3872 OF 1998

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For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

1 to 5 : NO

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GANDHINAGAR DISTRICT PANCHAYAT

Versus

TAKHUBEN UDAJI GOHEL

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Appearance:

MR HS MUNSHAW for Petitioner

MR LM CHHABLANI for Respondent No. 1

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 10/11/98

COMMON ORAL JUDGEMENT :

Heard the learned counsel for the parties. Shri Munshaw, learned counsel for the petitioner states that the petitioner, Gandhinagar District Panchayat, is prepared to reinstate the respondent, Takhuben U. Gohel in the Primary Health Centre on hourly basis and she will

be paid as per the Government regulations. Shri Munshaw, learned counsel for the petitioner makes the above statement on the basis of letter dated 24.8.1998.

2. Considering all the facts and circumstances of the case, particularly in view of the fact that the respondent was appointed on compassionate grounds, she is not entitled to back wages. In view of the aforesaid, the order of the Labour Court, Ahmedabad dated 9.9.1997, in Reference (LCA) No.1801 of 1995, Annexure 'D' to the petition, is modified to the extent of striking down the direction of back wages and continuity of service. The net result is that the order of the Labour Court directing reinstatement is kept intact.

3. The petition is allowed partly. Rule is made absolute partly to the aforesaid extent. No order as to costs.

4. No orders on Civil Application No.3872 of 1998.

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